

U.S. Department of Justice



MEMO ENDORSED

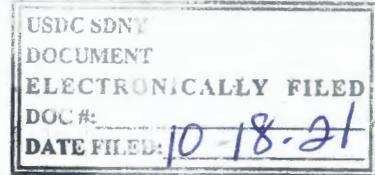
United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

October 15, 2021

BY ECF

Honorable Lewis A. Kaplan
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312



Re: *MAZON: A Jewish Response to Hunger, et al., v. U.S. Dep't of Health and Human Services, et al.*, 21 Civ. 475 (LAK)

Dear Judge Kaplan:

This Office represents the defendant federal agencies and government officials in their official capacities (together, the “government”) in this action. I write jointly with the plaintiffs to respectfully request a stay of all proceedings because the government is currently considering whether to revise the rule challenged in this action. I also respectfully request, with plaintiffs’ consent, that the Court permit the administrative record to be lodged with the Court on DVD, rather than filed on the docket.

Proposed stay. As noted in the parties’ June 25 status update, the government is currently engaging in an interagency process to consider possible revision of the rule challenged in this litigation. While the government has not yet determined whether to revise the rule—or if so, how—it has tentatively targeted April of 2022 as a timeframe for issuing a notice of proposed rulemaking if the government decides to revise the rule.

In light of this ongoing consideration, the parties respectfully request the Court stay this action—including all briefing dates, as reflected in the operative scheduling order, ECF No. 68—until May 6, 2022. The parties further propose that they file a status report by the same date that proposes any next steps in the litigation, including, if necessary, a revised briefing schedule on dispositive motions.

Proposal for lodging the administrative record. Separately, as required by the schedule, on September 24, the government produced the final administrative record (AR) to the plaintiffs via electronic file transfer. The record is voluminous and contains some native-format files that would be difficult to view in PDF form. Filing it on the docket would be impractical. We therefore respectfully propose that, rather than filing the record on the docket, we provide two copies of the full record on DVD to chambers. We further respectfully propose that we will provide an additional copy of the same DVD to the Clerk of Court to maintain. Plaintiffs consent to these proposals.

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We thank the Court for its attention to this matter.

Respectfully submitted,

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Southern District of New York

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Counsel for the government

Granted. The DVD to be
filed with the Clerk shall be
suitably labeled and sent
to the attention of Deputy
Clerk Richard Wilson.

SO ORDERED

LEWIS A. KAPLAN, USDJ

10/18/21